



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

DIGEST OF RECENT VIRGINIA DECISIONS.

E. A. WATKINS & BROS. v. JONES et al.

June 13, 1907.

[57 S. E. 608.]

Judicial Sales—Refusal to Confirm—Advance on Bid.—Where land was sold at judicial sale for \$2,175, and resold for \$2,100, it was improper to refuse to confirm the second sale, though one of the defendants in the cause put in an upset bid of \$300; the price bid at the second sale being a fair one, the terms of the sale having been complied with in all respects, and defendant having attended both sales.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 31, Judicial Sales, §§ 77, 78, 87.]

AUSTIN v. MINOR.

June 13, 1907.

[57 S. E. 609.]

1. Quieting Title—Cloud on Title—Removal—Possession of Plaintiff.—Equity will entertain jurisdiction of a suit by the owner of land in possession thereof to remove a cloud from his title; but, where the owner having the legal title has not the actual possession and another asserts an adverse claim, the remedy is by ejectment.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 41, Quieting Title, §§ 44, 45.]

2. Same—Title to Support Action—Evidence—Admissibility.—In a bill to remove a cloud on title, complainant claimed title under a deed from a grantor holding under a deed not embracing the land in controversy, but attempted to show by reference to an old plat containing a memorandum that the land in controversy belonged to him. Held, that the plat with the memorandum was admissible in determining the boundaries and title, but did not in itself constitute title.

3. Same.—In a suit to remove a cloud on title, defendant claimed the land in controversy as appurtenant to his riparian rights, and showed that the land was affected by the ebb and flow of the tide, but did not show either the high-water mark or the low-water mark, nor the relation of the land in dispute to high and low water mark. Held insufficient to enable the court to determine the riparian rights of defendant to the land in controversy.

4. Adverse Possession—What Constitutes Possession.—In a suit to remove a cloud on title, it appeared that the property was valuable only for hunting, fishing, and trapping, and that a great many people hunted, fished, and trapped thereon. The persons under whom complainant claimed used and enjoyed it in these respects far more than

anyone else, but it was also hunted over, used, and enjoyed by defendant and others. Held insufficient to show such use and occupation of the premises by any one as was necessary to constitute adverse possession.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 1, Adverse Possession, §§ 90, 115.]

SPITLER et al. v. GUY.

Sept. 17, 1907.

[58 S. E. 769.]

Mandamus—Subjects of Relief—Other Adequate Remedy.—Code Va. 1904, § 86, provides that any five qualified voters of an election district, 15 days previous to the regular days of registration, may post a notice of the names of persons alleged to be improperly registered; that on the day of registration the registrar shall hear testimony as to the right of persons named in the notice on the registration books, and that, if he be satisfied that any person is not a qualified voter, he may strike his name from the books; and that from such decision any person may appeal, as provided in section 83a. Section 83a provides that any person denied registration shall have the right to appeal to the circuit court, and that a judgment in favor of him shall entitle him to registration, and that from a judgment against him a writ of error shall lie to the Supreme Court of Appeals. Held to provide an adequate remedy to strike the names of persons illegally registered from registration books; and hence mandamus would not lie for that purpose.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 33, Mandamus, §§ 8, 21.]